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August 4th, 2015 Minutes

Brookings County Planning & Zoning Commission
August 4th, 2015 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 8:02 PM. Commission members present were: Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Alternates – Tom Davis and Roger Erickson. Lee Ann Pierce and Randy Jensen were absent.

Chair Robbins read **agenda item # 2: Approval of minutes from July 7th, 2015**. Corrections were noted and minutes were approved as corrected. Robert Rochel moved to approve the minutes. Kimberly Elenkiwich second. Chair Robbins opened for discussion, seeing none called for a voice vote. 9 - ayes and 0 -nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff**. Mr. Haugen noted that he had a request from Beacon Hill regarding a sign and he would address it later in the meeting.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board**. a) John Mills scheduled time to address the board.

Chair Robbins read **agenda item # 5: Approval of Agenda**. Darrell Kleinjan moved to approve the agenda Darrell Spence seconded. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Board of Adjustment", read the opening statement and **agenda item #6. 2015cu007: Bill and Julie Ross have made an application, 2015cu007, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business.**" The property is described as: "SW1/4

NW1/4 of Section 12, T110N, R50W of the 5th P.M., in the County of Brookings, State of South Dakota EXCEPTING (1) land conveyed for highway purposes; and (2) the S250 feet of W600 feet thereof.” ~~ located at **3712 Medary Ave, Brookings, SD 57006**. Terrell Spence moved to take from the table. Kimberly Elenkiwich second. Chair Robbins called for a voice vote, 9-ayes, 0-nayes, motion carried. Chair Robbins opened up for discussion and asked Mr. Haugen for staff report. Mr. Haugen stated “Bill and Julie Ross have applied for an extended home occupation and an extended home business. This conditional use location falls with-in the 3 mile joint area city of Brookings and Brookings County Zoning Ordinance and per the 3 mile joint jurisdiction area it needs to be heard by the board of adjustment as a special exception. They would like to host Ag tours or seminars on organic farming, and have an onsite kitchen, they hope to host weddings, anniversaries, and similar events. They would like to remodel the barn into a banquet facility and add a kitchen and restrooms. It was tabled last month so that they could get more information on an emergency plan and also address concerns of the township. Both things were addressed and they are here to answer any more questions.” Chair Robbins asked Mr. and Mrs. Ross to address board. Mr. Ross stated, “One of the items was with the township board. We invited them and met with 3 of them for an hour and we shared our plans and ideas.” Mrs. Ross noted that the 3 township members were in favor of our plan and had no concerns at all.” Mr. Ross stated, “Secondly was the safety plan, we researched some of the county safety measures off the website and developed our own, a plan was given to Mr. Haugen and we also met with our insurance agent, Julie talked with the city and we did some observations at another similar business.” Mrs. Ross went over some updates to the safety plan regarding how they will manage any weather related events with a contracted party. Chair Robbins opened up for discussion from the board. The board discussed if an emergency contact list with detailed information would be posted. Mr. and Mrs. Ross stated, “They would post list and information sheet with details in the barn.” Chair Robbins opened for discussion from the audience. Seeing none he asked for further discussion from the board. Seeing none he asked Mr. Haugen to go over the findings of the facts, with any additions, which are on file. Chair Robbins called for a roll vote: Rochel-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Elenkiwich-aye, Davis-aye, Erickson-aye, Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item #7. 2015var013: Buffalo Ridge II LLC, by Nikki Fishbaugher has made an application, 2015var013, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 “A” Agricultural District: Area Regulation # 3: Side Yard: The minimum width of a side yard shall be twenty-five (25) feet. The property is described as: “S466.69’ of E466.69’ in SE1/4 of Section 6, T112N, R48W (Oak Lake Township)”** ~~ located at **47894 197th St, Astoria, SD 57213-5414**. Laurie Nichols moved to take from the table. Terrell Spence second. Chair Robbins called for a voice vote, 9-ayes, 0-nayes, motion carried. Chair Robbins opened up for discussion and asked Mr. Haugen for staff report. Mr. Haugen stated, “Buffalo Ridge had applied initially for a front yard variance and they have since amended

that, it was tabled for them to look at other options. They have done that and are now applying for a side yard variance. Set back is 25' and they asked for a 14' variance to build 11' from the side yard set-back. They are asking to build a 40' x 225' addition onto the west side of their building. And they will meet the front yard set-back." Robert Rochel made a motion to amend the main motion from a front yard variance to a side yard variance. Terrell Spence seconded. Chair Robbins called for a roll vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nelson-aye, Spence-aye, Davis-aye, Rochel-aye, Erickson-aye, Robbins-aye. 9-ayes and 0-nays, motion carried. Chair Robbins stated, "Now on the table is the Amended motion from a front yard set-back to side yard set-back." Chair Robbins then asked for a representative from Buffalo Ridge to address the board. The representative identified himself as Dorn Emmett, the original project manager that build the windfarm. Mr. Emmett stated, "Different options to extend the warehouse were looked at, the only entrance is off the state highway not off the township road. Having the only entrance off state highway limits expansion area due to area needed for large truck and trailer parking and movement. We looked at putting a building more toward center but that won't work. There are also utility and water lines going through the building. Three different contractors were consulted, the best plan was submitted last month, but that came up with safety concerns because it was in the state highway set back. This new plan from our contractors gives us the square footage we need and stays out of the state highway right of way set-backs, it does encroach on the property line that is to the west. We talked to that landowner and he is fine with set back as we propose. If this is approved we will take it to our contractors and they will be responsible for keeping addition within the variance requirements. Plans and details are not all worked out, we are just trying to get the square footage to build." Chair Robbins asked for questions from the board. The board discussed: Amount of square footage from roof area and slope to the west and the run-off concern. Mr. Emmett stated, "There is not a run off area but there is drainage because property was low and had a lot of initial drainage issues. We have put in underground drainage to southwest. New drainage concerns are something we could manage as part of our civil design." Chair Robbins opened up for discussion from the audience. Seeing none he asked for further discussion from the board. Mr. Haugen stated, "Oaklake Township and the County Highway Superintendent were contacted and had no issues. Mr. Hill stated, "From the drainage board side we would request that no additional drainage be put on the farmer's field and that it be noted in the finds of facts." Mr. Luke Muller from First District also stated. "He would add in the findings or make a requirement that gutter be placed on the west side to route the run-off to one place or another." Chair Robbins then asked Mr. Haugen to go over the findings of the facts, with any additions, which are on file. Chair Robbins called for a roll call vote: Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Rochel-aye, Elenkiwich-aye, Davis-aye, Erickson-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item #8: 2015var014: Richard Jost has made an application, 2015var014, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area**

Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "Lot 2 Handegard Addition of NE1/4 of Section 34, T109N, R51W (Oslo Township)" ~~ located at 21939 464th Ave, Volga, SD 57071. Darrell Nelson moved to approve the variance. Tom Davis second. Chair Robbins opened up for discussion and asked Mr. Haugen for a staff report. Mr. Haugen stated, "Mr. Jost has applied for a variance to build a 16'x18' addition onto their home, it is approximately 140' from the center of the road. It is sheltered by trees along the road. Olso Township and the County Highway Superintendent were contacted and we have heard no issues. The house was constructed in the mid 1980's and the house itself is 156' from the center of the road and they were granted a prior variance to build a 24' x 45' detached garage that is 98' from the center of the road. It is secluded by trees and there are no sight issues when coming out onto the road." Mr. Haugen stated, "The Jost's were not able to attend but their contactor, Shawn Knapp Construction is here to answer any questions." Chair Robbins asked Mr. Knapp to address the board. Mr. Knapp stated, "The addition will be 16' x 18' bedroom with unfinished basement with 3' breezeway attachment on slab" Chair Robbins opened up for discussion from the board. The board discussed; Angle of the addition, and if a restroom was going to be in the new addition. Chair opened up for discussion from the audience, seeing none he asked for further discussion from the board. Board member Robert Rochel stated, "It appears that the township is ok with this and there are trees as a buffer and no snow issue so I would be in favor of granting this variance." Chair Robbins asked if the board had additional comments, hearing none he asked Mr. Haugen to go over the findings of the facts, which are on file. Chair Robbins called for a roll call vote: Nichols-aye, Spence-aye, Davis-aye, Rochel-aye, Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-ayes, 0-nays. Motion passes.

Chair Robbins read **agenda #9: 2015var016: Tim Trooien has made an application, 2015var016, to the Brookings County Board of Adjustment for a variance. Article 11.00 Section 11.01 "A" Agricultural District: Area Regulation #2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "SE ¼ Exc S 711' of W 711' in Section 24, T112N, R49W (Argo Township)" ~~ located at 19995 478th Ave., White, SD 57276.** Kimberly Elenkiwich moved to approve the variance. Robert Rochel second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "There was a correction on the agenda but it was published correctly in the paper and in the public notices. In the agenda the Township and the address were incorrect, that was corrected on the agenda and handed out this evening. Mr. Trooien would like to build a 42' diameter bin approximately 93' from the center of 200th Street and Argo township road. This would be a variance of 40', the setback on a township road is 133'. His farthest existing bin is now 135' from the center of the road. This is his grain drier bin facility. Due to the lay of the land dropping off 4-5' to the west and also in that area is the drain field for drain tile and septic system he could place it in other location. The township and adjoining landowners were notified and no objections were heard. If he built farther to the north, access to his

machine shed would be limited.” Chair Robbins asked Mr. Trooien to address the board. Kay Trooien, Tim’s wife identified herself and addressed the board stating, “We would like the bin in this location as it is easy access for the semi-trucks to come in and out, if it was put more to the west it would be very difficult for them to get in and out due to the drop in the level of the land and also with the drain field being in that area it isn’t feasible.” Chair Robbins asked for questions from the board. Board member Tim Davis stated, “He did hear from an adjoining landowner in South Carolina and he had no objections.” Chair Robbins asked if the board had additional questions or comments, seeing none, he opened up to questions from the audience. Seeing none, he asked for further discussion from the board. Board member Robert Rochel stated, “Normally the board doesn’t like to allow things like this as we try to keep things back from the township roads for snow removal situations but since the township doesn’t have an issue with this then I guess I would be in favor with this.” Mr. Haugen stated, “It is within the existing tree line.” Mrs. Trooien stated, “All the neighbors in the area that utilize that road often were contacted and none had any issues.” Chair Robbins opened up for additional questions from the audience. Seeing none he asked Mr. Haugen to go over the Finding of Facts, which are on file. Chair Robbins called for roll vote. Spence-aye, Davis-aye, Rochel-aye, Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda #10: 2015var017: Joan Isenberg has made an application, 2015var017, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: “LP” Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: “Marvin Wade Second Subdivision Lots 1, 2 & 3 & Lot 10 Exc NW 60’ of CM Christensen Sub. & Lot D Co Hwy Addition in NE ¼ Sec 6, T112N, R52W (Laketon Township)” ~~ located at 288 S Lake Dr, Arlington, SD 57212.**

Darrell Nelson moved to approve the variance. Tom Davis second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “The Isenberg’s currently have a building permit for an accessory building that will have an attic area for storage and a craft room. They would like to build a deck onto the building. The building itself is 75’ from the high watermark. The deck would be 8’ wide and 16’ long and the support posts would be 78’ from highest known watermark. The structure would be on a bluff and would be in-line with other buildings and hidden by trees from the lakeside.” Chair Robbins asked the Isenberg’s to come forward, identify themselves and address the board. The couple identified themselves as Joan and Gary Isenberg. Mr. Isenberg stated, “We want to put on a deck onto the back of the garage towards the lake that would allow for air flow and aesthetics of the property from the lake.” Mr. Haugen clarified, “the variance is for 3’ from the high watermark, and the Isenberg’s did have a surveyor mark elevations. The normal set back is 75’ and the Isenberg’s are asking for 72’, a variance of 3’.” Chair Robbins then opened up for questions from the board. The board discussed; if the structure would obstruct views of the neighbors and if any neighbors had concerns. Mr. Haugen stated, “The neighbors were notified and no one replied with any comments. Chair Robbins opened for discussion from the audience. Seeing none he asked Mr. Haugen to go over the

findings of the facts, with any additions, which are on file. Chair Robbins called for a roll call vote: Davis-aye, Rochel-aye, Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins stated "We are now acting as the Brookings County Planning and Zoning Commission" Chair Robbins removed himself due to conflict of interest and turned the meeting over the Vice Chair Rochel. Chair Rochel read **agenda #11: 2015cu009: Dean Madison has made an application, 2015cu009, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "Lot 8 of Dakota Shores Second Subdivision, LESS AND EXCEPT the N 40' thereof, as shown in the plat of Lots 7, 8, and 11 of Dakota Shores Second Subdiv located in Govt lots 4 & 5, Section 15, T112N, R47W (Lake Hendricks Township)".** Tom Davis moved to approve the conditional use request. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Madison is applying for a conditional use to build an accessory building on a backlot across from his residence. The building would be 38' X 48' with 10'4" sidewall building a total of 1,440 square feet. The building will basically be used for storage and the access will be off Dakota Shores Place road. He will meet all the set-backs." Chair Rochel asked Mr. Madison to identify himself and address the board. Dean Madison identified himself and stated, "The building will be across the street from our residence and will be used for storage of boats, lawnmowers and snow blowers." Chair Rochel opened up for discussion from the board. The board discussed; why the extra 4" for height, the size need greater than 1000 square feet. Mr. Madison stated, "Height was what engineers came up with for need with the garage door size to get boat in and square footage amount was because of the size of the items that would be stored in the building." Chair Rochel opened for discussion from the audience. Robert Roelofsen identified himself as Mr. Madison's neighbor and gave his support to Mr. Madison's plan. Mr. Vince Zylstra identified himself as the developer and original land owner and had no objections to the plan. Chair Rochel asked for further discussion from the board. Board member Kleinjan wanted clarification on how the structure would affect the view of others at the lake. Mr. Haugen stated, "There was a large elevation drop so no view would be interfered with." Chair Rochel asked for further discussion from the board, seeing none, asked for further questions from the audience. Seeing none, he asked Mr. Haugen to go over the Finding of Facts with any additions, which are on file. Chair Rochel asked for a roll call vote: Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Davis-aye, Rochel-aye. 8-ayes, 0-nayes. Motion carried.

Chair Rochel read **agenda item #12. Consideration of Plats: a. 2015plat022: "Plat of Lots 6, 7A and 9 of Dakota Shores Second Subdivision also being a replat of Lot 7 and the N 40' (feet) of Lot 8 Govt Lots 4 & 5, Section 15, T112N, R47W of the 5th P.M., Brookings County, South Dakota."** Laurie Nichols moved to approve the plat. Kimberly Elenkiwich second.

Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is for Lots 6, 7A & 9, previously Lots 7, 8 & 11 were platted, now they are platting Lots 9 & 6 and re-platting Lot 7 to 7A. In the original Plat that was approved in June Lot 8 was wider at 160'. They wanted property lines to align across from each other. Lot 8 was sold minus the north 40' making it 120' which was consistent with the others. A 40' adjustment was needed, they resurveyed and made adjustments thus platting into Lots 6, 7A and 9. Chair Robbins asked Mr. Zylstra to address the board. Mr. Zylstra stated, "We wanted to keep things aligned so pins were readjusted and lots are all still 20,000 square feet." Chair Rochel opened up for discussion for the audience, seeing none he called for a roll call vote: Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Davis-aye, Rochel-aye. 8-ayes, 0-nayes. Motion carried. Chair Rochel stepped down and Jeff Robbins resumed the Chair position.

Chair Robbins read **agenda item #4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board. a) John Mills.** Chair Robbins asked Mr. Mills to address the board at this time. Mr. Mills from Wild Ideas, Inc. addressed the board. He and a friend own land around Lake Goldsmith and are working on plans to possibly rezone the land around the lake into Lake Park district and they are on the September agenda. The area consists of two parcels that amount to 78-79 acres. They have done an extensive study, such as: had contact with Volga school board, Volga city council, township and neighbors, a percolation test has been done and they have met with landscape architect. Mr. Mills stated, "The master plan consists also an area for a park, green spaces, and a shared beach area with guaranteed access to those living in the developed area." The board discussed concerns regarding the roads, drainage, water related issues and preserving natural resources. Chair Robbins thanked Mr. Mills for his time.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** Chair Robbins asked Mr. Haugen to inform the board on the Beacon Hill's sign request. Mr. Haugen stated, "A board member from Beacon Hill Shooting Range contacted the office regarding putting a directional sign up along Highway 14. The sign would be 2' X 8' and they have permission from the landowner to locate it on his private property. Mr. Hill and Luke Muller from First District commented that the DOT should be contacted. Mr. Haugen stated, "The office will contact DOT and work with Beacon Hill on this request."

Chair Robbins read **agenda item #13: Department Reports.** Mr. Hill told the board that on Oct. 28th & 29th, 2015 the SD Planners Association Conference would be being held in Mitchell, SD. He proposed that the office would provide a ride for any planning and zoning board members that were interested in attending the meeting on Oct. 28th, 2015. A copy of the meeting agenda will be provided to the board members. Chair Robbins added that also on Oct. 28th, 2015 the DENR would be holding a one day training session on CAFO (Confinement Animal Feeding Operations) In Huron, SD. He noted he had attended a one day session in the past and it was very informative. Mr. Haugen will look into this and provide the board members with more information. Mr. Haugen reminded board members that there was a special meeting scheduled for Wednesday, August 19th, 2015 at

8:00 AM. Mr. Hill asked that Mr. Luke Muller from First District be allowed to go over the comprehensive plan update. Mr. Muller handed out a 50 page Comprehensive Land Use Plan Draft and stated, "The red font items were already completed, the black font is items that have changed." He asked the board to review specific items on pages 16 & 17 and skim the last 20 pages and email or call him with any changes or contact Mr. Hill or Mr. Haugen. The rest of the plan will be delivered in September.

Chair Robbins adjourned the meeting at 10:08 PM.

Rae Lynn Maher
Brookings County
Development Department.